

Conference Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 306

HOUSE BILL 2065

AN ACT

AMENDING SECTIONS 41-1609.02, 41-1610.03 AND 41-1610.04, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3002.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, BY ADDING SECTION 41-3012.01; RELATING TO THE DEPARTMENT OF CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1609.02, Arizona Revised Statutes, is amended
3 to read:

4 41-1609.02. Establishment of private prison facilities; notice;
5 hearing

6 A. The director may establish private incarceration facilities that
7 are dedicated to the confinement of persons who are sentenced to the
8 department.

9 B. Before incurring any obligation for the establishment of a private
10 incarceration facility, the department shall give at least sixty days'
11 written notice to all of the following:

12 1. The president of the senate.

13 2. The speaker of the house of representatives.

14 3. The senate minority leader and the house of representatives
15 minority leader.

16 4. The state senator and the state representatives whose legislative
17 district includes the proposed site.

18 5. Any state senator and state representatives whose legislative
19 district is located within two miles of the proposed site.

20 6. Each member of the county board of supervisors if the proposed site
21 is in an unincorporated area or each member of the governing body of the city
22 or town in which the proposed site is located.

23 7. Each member of the governing board of the local school district in
24 which the proposed site is located.

25 C. The department shall hold a hearing in the county for an
26 unincorporated area or in the city or town in which the potential site is
27 located. The department shall publish a notice of the public hearing in a
28 newspaper of general circulation in the area at least ten days prior to
29 BEFORE the hearing. After the public hearing the department shall make a
30 final site determination for the private detention or private incarceration
31 facility.

32 D. The final site determination of a private incarceration facility
33 is subject to review by the joint select committee on corrections pursuant
34 to section 41-1610.04.

35 Sec. 2. Section 41-1610.03, Arizona Revised Statutes, is amended to
36 read:

37 41-1610.03. Joint select committee on corrections; members;
38 terms; meetings; staffing

39 A. The joint select committee on corrections is established consisting
40 of the following members:

41 1. Three FIVE members of the senate WHO ARE appointed by the president
42 of the senate. Not more than two THREE of the members shall MAY be from the
43 same political party.

2. Three FIVE members of the house of representatives WHO ARE appointed by the speaker of the house of representatives. Not more than two THREE of the members shall MAY be from the same political party.

3. The governor or the governor's designee.

4. The director of the STATE department of corrections or the director's designee.

5. The director of the department of administration or the director's designee.

B. Members of the committee shall elect a chairman from the membership of the committee at the first committee meeting.

C. Members serving pursuant to subsection A, paragraphs 3, 4 and 5 are nonvoting members and are not members for purposes of determining a quorum. A quorum consists of four voting members.

D. The committee shall meet AT LEAST TWICE ANNUALLY AND MORE FREQUENTLY as the chairman deems necessary or on the call of the majority of the voting committee members.

E. Members of the committee are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

F. The legislature shall provide staff and clerical support to the committee and shall advise and assist the committee in performing its responsibilities. Persons representing the state department of corrections and the department of administration shall provide information and technical assistance to the committee.

Sec. 3. Section 41-1610.04, Arizona Revised Statutes, is amended to read:

41-1610.04. Joint select committee on corrections; duties;
report

A. The joint select committee on corrections shall receive testimony from the department of administration regarding the construction schedule of prison beds previously authorized by the legislature.

B. The committee shall receive testimony from the department regarding the actual and anticipated growth or decline in the department's inmate population and make recommendations to the legislature regarding the number and security level of new prison beds the department will require to confine the projected number of new inmates. These recommendations may include private prison facilities.

C. The committee shall review and make recommendations to the legislature regarding future prisons.

D. The committee may consider other matters relating to prison construction ~~or prison operations~~ and may make recommendations to the legislature.

E. THE COMMITTEE MAY CONSIDER OTHER MATTERS RELATING TO PRISON OPERATIONS INCLUDING THE POLICIES AND PRACTICES OF THE DEPARTMENT AND MAY MAKE RECOMMENDATIONS TO THE LEGISLATURE.

1 E. F. The committee shall review private incarceration facilities
2 sites pursuant to section 41-1609.02.

3 F. G. The committee shall prepare an annual report of the ITS
4 recommendations of the committee and submit it to the governor, president of
5 the senate and speaker of the house of representatives, ~~no later than~~ BY
6 October 15 of every year.

7 Sec. 4. Repeal

8 Section 41-3002.01, Arizona Revised Statutes, is repealed.

9 Sec. 5. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
10 amended by adding section 41-3012.01, to read:

11 41-3012.01. State department of corrections; termination July
12 1, 2012

13 A. THE STATE DEPARTMENT OF CORRECTIONS TERMINATES ON JULY 1, 2012.

14 B. TITLE 41, CHAPTER 11 IS REPEALED ON JANUARY 1, 2013.

15 Sec. 6. Purpose

16 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
17 the legislature continues the state department of corrections to encompass
18 the correctional programs of this state and to provide supervisory staff and
19 administrative functions at the state level for all matters relating to the
20 institutionalization, rehabilitation, parole and community supervision
21 functions of all adult offenders.

22 Sec. 7. Retroactivity

23 Sections 4 and 5 of this act are effective retroactively to July 1,
24 2002.

APPROVED BY THE GOVERNOR MAY 28, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2002.

Passed the House February 5, 2002,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 17, 2002,

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2065

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 20, 2002,

by the following vote: 52 Ayes,

2 Nays, 6 Not Voting

Jake Flake
Speaker of the House
Pro Tempore
German L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 21, 2002,

by the following vote: 23 Ayes,

1 Nays, 6 Not Voting

Ronald S. Swartz
President of the Senate
Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2002

at 1:17 o'clock P M.

Jandra Gandy
Secretary to the Governor

Approved this 28th day of

May, 2002,

at 10:48 o'clock 4 M.

Janice K. Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of May, 2002,

at 11:19 o'clock A M.

Debra Baylen
Secretary of State

H.B. 2065